

**California State Department of Social Services  
ICWA WORKGROUP**

***Hosted by The Morongo Band of Mission Indians***  
**12700 Pumarra Road, Tribal Administration Building**  
**Banning, CA 92220**

**March 8, 2011**

**Minutes**

**Welcome/Introductions/Beginnings.** Prior to introductions, Ms. Joni Drake led the blessing.

**Annual Progress and Services Report (APSR).** Jennifer White, CDSS Analyst, provided the report. The Child and Family Services Plan (CFSP) is California's five-year plan for Title IV-B and the APSR is the annual update to the plan. The ICWA-related sections of the 2010 report were submitted to the ICWA Workgroup in February, and feedback may be incorporated in the 2011 report. The deadline for submission of feedback for the 2010 report is April 1, 2011. The feedback will be part of the 2011 report; the draft of the report will then be sent to the Workgroup on May 1. The deadline for comments on the 2011 report is June 1. There are five tribes that have Title IV-B plans.

**AB 12 Implementation.** Theresa Thurmond, Foster Care Support Services Bureau, Child and Youth Permanency Branch, CDSS, delivered the report to the Workgroup in place of Paula Ensele.

AB 12 contains two (2) components: 1) Kin-GAP and 2) age extension for foster care. The Independent Living Program (ILP) Policy Unit is responsible for the implementation of this bill. Since Paula Ensele was not at this meeting to answer questions, questions should be addressed to the following email address: [AB12@dss.ca.gov](mailto:AB12@dss.ca.gov).

The Foster Care Support Services Bureau is asking for two to three tribal members to be a participant in the committees that are gathering to implement AB 12. The participating ICWA Workgroup tribes have a specialized population and have a unique structure whereby their input is needed.

The presentation included a request for tribal participation on the committees. There are a number of committees to help in implementing AB 12: 1) Licensing Program and Placement Committee, kickoff on March 18<sup>th</sup>; 2) Eligibility and Rates Committee, kickoff on March 15<sup>th</sup>; and 3) Fiscal and the Courts Committee. The subgroups will meet on the same day as the committees. The committees do not have funding for a stipend. Meetings for the steering committee will meet every four to six weeks and subgroups will be twice a month. The information will be placed on SharePoint so that everyone can view the information.

The Workgroup members stated that the members are spread too thinly and meetings need to be available by webinar, conferencing, or another medium. Ashley Franklin said that she will forward information on AB 12 implementation activities and disseminate it to the tribes via the Administrative Office of the Courts (AOC) tribal list. Ann Gilmour, AOC Attorney, explained that AOC's list is not complete as some of the tribes do not have email addresses. AOC asked the Workgroup if they had any ideas on how to get information out to all the tribes because there is a need to talk to the people who do not even know we are here. AOC has an Excel spreadsheet that can be passed around to get updates. Also, with regard to the spreadsheet, we are unsure whether this information should be sent out. The information will be sent to those who are members of the ICWA Workgroup, and they, in turn, will send out to the tribes where they have communication.

**Historical Documents Request Status Update.** Ashley Franklin has sent all information obtained thus far to the workgroup per the request. The workgroup requested CDSS staff to gather documents related to historical workgroup efforts. Anne Smith will be asked if she has additional documents and Lee Ann Kelly will be forwarding documents to the ICWA Unit. Workgroup members stated that someone has been in contact with Anne Smith and obtained copies of some of the work she was involved with. Staff will continue on the effort to locate the information and keep the workgroup apprised.

Theresa Sam added that in 2002-03 the workgroup worked with Steven Haberfeld and Katherine Manis of Indian Dispute Resolution Services (IDRS, Inc.). She asked if staff had that information. She believed that Katherine was working as a counselor at the Sacramento Jail.

Liz DeRouen mentioned that workgroup members have been working with the Administrative Office of the Courts and Anne Smith who is/was under contract with the AOC to get the documents together so that the workgroup can see the goals and determine how far those goals have been met.

### **Standing Discussions.**

*State Budget Update.* The budget information has been prevalent in the news recently. We do not know much more than what has been discussed in the news at this point. Right now CDSS and all other departments are working on realignment, which involved shifting funding and activities to the local level where possible. The concept and focus are currently changing on a daily basis.

*Legislation.* While AB 12 extends ILP for foster children aging out of the system, AB 2418 extends the age for Indian children within the system. The two bills will be implemented together through the large AB 12 implementation workgroups.

*Statewide Training and Education Committee (STEC).* Since Loleta was unable to attend the workgroup meeting, Nancy Currie explained that she will email Loleta and Barry Johnson (CalSWECE), and will forward the information she obtains from them to the workgroup.

*Division 31 Regulations.* Mary Enriquez reported that the amendment language has been completed by CDSS' Legal Division and forwarded to the Policy Bureau. Once in Policy, it was determined that the language was in legalese and should be rewritten so that it is more clear and easier for county social workers to follow. The amendments are being rewritten and will be forwarded to CDSS' Office of Regulations Development.

*TCA Updates/Discussion.* Nancy Currie completed a presentation in Los Angeles earlier this month. It is expected that tribal training will be completed in May. The web design is out and everything will soon be on the web. The goal is to add the CALTCA.org URL. The website will have a section for attorneys, judges, and families. The AOC is looking forward to providing outreach to the judges. CDSS will work on obtaining a "test run" data report to better understand if the special project code in CWS/CMS is being used.

*CWS/CMS and Data Discussion.* Liz DeRouen explained that the data in California is a gray area as to accuracy of capturing the ICWA status and tribal affiliation. Liz expressed that there are issues with the Structured Decision Making (SDM) tool being used that need to be addressed as well. Liz suggested that attention needs to be paid to the need for joint case planning and tracking of active efforts and other legal ICWA requirements. Liz encouraged analysis of the data provided by Joe Magruder, University of California, Berkeley, which provided specific case numbers of ICWA-eligible children that the local tribes dispute because they estimate there are many more that, for some reason, are not captured in this CWS/CMS data. Ashley explained that she will look into the SDM issues mentioned and that we can continue the conversation regarding the data issues and work toward recommendations/solutions.

**California Partnership for Permanency (CAPP).** Nicolle Larkins explained that five documents were sent to the Workgroup. Although there was no time to go through each document, questions from the workgroup are welcomed. CAPP is working to reduce the number of children in long-term foster care and increase the well-being of the child. There is more time needed on healing and recovery aspect for African American and American Indian children in the system. The grant has been in effect (planning stages) for five months, and we are depending on our community partners in the county, federal and court systems, as well as those with other departments dealing with substance abuse and mental health. There is a steering/advisory group, which met last month to draft the framework. Nicolle stated that the ICWA Workgroup will continue to be kept informed and considered a branch of the steering committee/advisory group.

CAPP is partnering to develop an integrated case work model to increase capacity at the county; first in four counties and then others will be added. The model will be trained and coached at the county level. The feedback from the workgroup is critically important.

**Administrative Office of the Courts Report and Discussion.** Ann Gilmour, AOC Attorney, stated that the new website is now online. There is much more space for updating and posting links. AOC would like to know if individuals on the workgroup are working on a current TCA case and how that is being processed or finalized (i.e., what were the problems and/or sticking points/challenges?). AOC has scheduled training for mediators and at the statewide ICWA conference and will do a case law update session, training of ICWA parents' attorneys for example. AOC will send an invitation to comment on AOC rules for AB 12 and AB 2418. Other initiatives the AOC is working on include: a) WIC 827 to provide tribal access to records; b) inquiry – working to allow email inquiries; c) tribal court civil orders to be treated not as a foreign country, but in the same manner as another county; and d) a number of collaborative efforts. *See the AOC Report for details.*

**Pilot Advanced ICWA Curriculum Module.** Commissioner Pat Bresee and Lisa Molinar presented the curriculum. The training included Active Efforts, Judicial Procedures, and Appeals. The draft curriculum was briefly reviewed and feedback was provided by the workgroup participants.

**18<sup>TH</sup> Annual Statewide ICWA Conference.** Theresa Sam informed the group this year's conference will be held June 27-29, 2011, at the Santa Rosa Rancheria's Tachi Palace Hotel and Casino in Lemoore, California. The registration form and workshops are currently being created.

**Announcements.** Liz DeRouen stated that the tribes in Sonoma County and the county have set up a protocol for meeting on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month to go over case planning and collaboration of the ICWA cases. It is a standing appointment for both the tribe and county social worker and has improved their collaborative work. They review each case to see what is needed, what is missing, and whether or not active efforts are being done (joint case planning).

The workgroup discussed a news article regarding a significant number of children who were placed in the custody of a group of Mennonites in Pennsylvania. The children were from mothers who were incarcerated and the mothers were able to turn over custody immediately. Concern was expressed regarding this process as a way around ICWA noticing for any of those children that might have American Indian heritage. There is no follow-up on the care taken. The concern was expressed regarding this situation and other situations that have been discovered regarding adoptions and newborns coming out of women prison facilities.

An announcement was made regarding the release of the FACES video, which is a brief video on ICWA. Ashley will send the workgroup the link to the FACES video.

**Next ICWA Workgroup Meeting.** The next meeting is scheduled for Tuesday, May 10, 2011, and will be held at CDSS Headquarters in Sacramento.